

REMARKS

Claims 1-2, 5-6, 8, 12-13, 17, 20-27, 29, 31, 35 and 36 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,504,603 (Winkler et al) in view of US 2004/0184150 A1 (Johnson et al) and US 2004/0051831 A1 (Yu et al). According to the Examiner:

Winker and Johnson teach the invention set forth above except for that the layer Z (C-plate) having a polymer with glass transition temperature above 180°C.

Yu teaches (paragraph 0102) that the retardation film (compensation film) is prepared from polymer at a temperature above the glass transition temperature, and the polymer should preferably be selected such that its glass transition or melting temperature is significantly higher than the operating temperature of the retarder, so as to leave a solid polymer, otherwise it would be melted; and such method and suitable material are known to those skilled in the art.

Therefore, it would have been obvious to those skilled in the art at the time the invention was made to modify the multilayer compensation film of Winker and Johnson with the teachings of the polymer applied at a temperature above its glass transition temperature as taught by Yu, since the skilled in the art would be motivated for leave (sic) a solid polymer (see paragraph 0102).

Applicants respectfully disagree with the Examiner's conclusions regarding Yu and the combination. Claim 1 contains the limitation that the polymer is amorphous and exhibits a T_g above 180°C. There is no suggestion in any of the references cited by the Examiner that a desirable negatively birefringent film can be obtained by selecting an amorphous polymer having a T_g above 180°C. Yu prefers an LC polymer as opposed to one that is amorphous. (See paragraphs [0050], [0055], [0078], and [0102].) Yu in no way suggests any particular minimum value for T_g in order to obtain a polymer with the desired negativity. The Examiner relies on paragraph [0102]. This paragraph suggests heating an LC polymer to above its T_g, or using a solution of the LC polymer in order to apply it to a substrate and align the LC polymer. Yu in no way suggests the desire to select an amorphous polymer with a T_g of greater than 180°C.

The Examiner notes that Yu suggests that the melting temperature of the polymer be higher than the operating temperature. Since the operating temperature is typically from room temperature up to 40°C or so, this suggestion

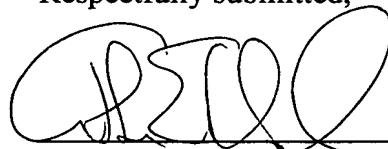
of Yu for an LC polymer does not motivate one to use a high Tg amorphous polymer even if no high operating temperature is to be encountered.

Enclosed herewith is a Declaration of co-inventor Dennis J. Massa. In paragraph 4B, he verifies that operating temperatures are commonly from room temperature up to 40°C. The difference between 40°C and 180°C is the equivalent of 255°F differential. At most, Yu would motivate one to select a Tg in accordance with operating temperature but he suggests no reason whatsoever to use an even higher Tg.

The enclosed Declaration also serves demonstrate the significance of the Tg of the amorphous polymer in achieving the desired negativity of the out-of-plane birefringence of the film. Table I of the Declaration demonstrates that amorphous polymers with a Tg greater than 180°C tend to have a much more negative out-of plane birefringence than those with a lower Tg. None of the art cited by the Examiner suggests this relationship especially for amorphous polymers.

In view of the foregoing remarks and Declaration, the Examiner is respectfully requested to withdraw the outstanding rejection and to pass the subject application to Allowance.

Respectfully submitted,



Attorney for Applicant(s)

Registration No. 25,518

Arthur E. Kluegel/dlm

Rochester, NY 14650

Telephone: 585-477-2625

Facsimile: 585-477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.